



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,729	03/14/2005	Ralph Stripling	OT-5075	8865
26584	7590	04/06/2006	EXAMINER	
OTIS ELEVATOR COMPANY INTELLECTUAL PROPERTY DEPARTMENT 10 FARM SPRINGS FARMINGTON, CT 06032			NICHOLSON III, LESLIE AUGUST	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/527,729	Applicant(s) STRIPLING ET AL.	
	Examiner Leslie A. Nicholson III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/21/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “electronic analysis unit” (claim 8) must be shown or the feature(s) canceled from the claim(s). Furthermore, “two clips... provided for each flange element or bridge element” (claim 10) is not shown in the drawings. The drawings show only one clip for each flange element and one for each bridge element. No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “32” has been used to designate two different parts in figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

Art Unit: 3651

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

Art Unit: 3651

- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4,5,6,7, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 lacks distinctiveness. Is "noncontact sensor (38)" an element separate than that of the sensor in claim 3? The examiner will interpret the claim to be further limiting the sensor of claim 3 in that it is a noncontact sensor.

Claim 5 lacks distinctiveness for the same reason as claim 4. Is "magnetic sensor (38)" an element separate than that of the sensor in claims 3 or 4?

The examiner will interpret the claim to be further limiting the sensor of claim 4 in that the noncontact sensor is further limited to be a magnetic sensor.

Claims 6,7, and 10 claim a clip, while claim 1 claims a marking element. Both claimed elements are referenced with numeral 34. Is element 34 a clip or a marking element? The examiner will interpret the claims to be further limiting the marking elements of claim 1.

Art Unit: 3651

Claim 10 recites "...at least two clips of spring steel...". What is spring steel? Is this material simply steel? The examiner will interpret the claim to mean a spring made of steel.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 and 8, as best understood by the examiner (see ¶4), are rejected under 35 U.S.C. 102(e) as being anticipated by Hauer USP 6,868,956.

Hauer discloses a similar people mover (2) comprising:

- An endless tread belt (6) formed from several tread elements (4) connected to one another, which is driven by a drive unit about a first and second reversal point (at least abstract)
- A side skirt on the tread elements comprising flange elements (16) (fig.1) joined to the tread belt and bridge elements (20) connected movably to the flange elements
- A sensor arranged adjacent to the side skirt, the sensor having a limited detection range perpendicular to a circulating direction of the side skirt, wherein

an electronic analysis unit is provided, wherein the sensor is a noncontact sensor (C7/L39-46)

- A plurality of marking elements (48) arranged in a line on the side skirt along the circulating direction and having a limited width perpendicular to the circulating direction
- A rib (10) provided on each of the flange elements and bridge elements of the side skirt, wherein the ribs are arranged in series essentially along a straight line in a linear area of the people mover (at least fig.1)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a), as best understood by the examiner (see ¶4), as being unpatentable over Hauer USP 6,868,956 in view of Stoxen USP 6,601,688.

Hauer discloses all the limitations of the claim (see ¶6), but does not expressly disclose the sensor being that of a magnetic sensor.

Stoxen teaches a sensor being that of a magnetic sensor (C2/L12-14) for the purpose of the sensor detecting the metallic material of the marking element.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of a magnetic sensor, as taught by Stoxen, in the device of Hauer, for the purpose of the sensor detecting the metallic material of the marking element.

9. Claim 9 is rejected under 35 U.S.C. 103(a), as best understood by the examiner (see ¶4), as being unpatentable over Hauer USP 6,868,956 in view of Spannhake USP 6,267,219.

Hauer discloses all the limitations of the claim (see ¶6), but does not expressly disclose two of the sensors connected in series.

Spannhake teaches two of the sensors connected in series for the purpose of the software program identifying the data signal at a circuit level (C3/L4-19).

At the time of invention it would have been obvious to one having ordinary skill in the art to have two of the sensors connected in series, as taught by Spannhake, in the device of Hauer, for the purpose of the software program identifying the data signal at a circuit level.

Art Unit: 3651

10. Claim 10 is rejected under 35 U.S.C. 103(a), as best understood by the examiner (see ¶4), as being unpatentable over Hauer USP 6,868,956 in view of Patterson USP 6,079,698.

Hauer discloses all the limitations of the claim (see ¶6) and further discloses two clips provided for each flange element or bridge element (at least fig.3), but does not expressly disclose the clips being that of spring steel.

Patterson teaches the use of spring steel for the purpose of using a material suited to isolate vibratory forces (C1/L32-51).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of spring steel, as taught by Patterson, in the device of Hauer, for the purpose of using a material suited to isolate vibratory forces

Allowable Subject Matter

11. Claims 6 and 7 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 (2nd paragraph) and 35 USC 102 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

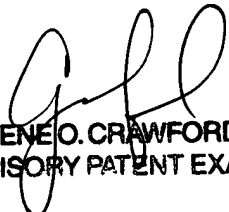
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
3/31/2006


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER